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Attorney For Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE: § CASE NO. 11-45868-13

**Clement A. Lescale, III
Brenda Sue Lescale
Debtor(s)**

**Clement A. Lescale, III
Brenda Sue Lescale
Movant(s)**

V.

**CAPITAL ONE, NA
Respondent(s)**

**Hearing Date: 8/3/12
Hearing Time: 8:30 a.m.**

OBJECTION TO CLAIM OF CAPITAL ONE, NA

NOTICE:

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 100 U.S. COURTHOUSE, FORT WORTH, TEXAS 76102-3637 ON OR BEFORE THIRTY (30) DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVICED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED, A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Clement A. Lescale, III and Brenda Sue Lescale, Debtor(s) herein, and file this their Objection To Claim Of **CAPITAL ONE, NA, claim number 16** and as reasons therefore would respectfully show the Court as follows:

1. The claim is filed as an unsecured claim.
2. The deadline to file a proof of claim in this case was February 21, 2012
3. The claim in dispute was filed. June 14, 2012.
4. No Motion to allow the claim was filed and there is no legal basis for allowing the claim.
5. Debtor would ask that the claims be disallowed.

WHEREFORE, PREMISES CONSIDERED, Debtors pray that the claim described herein be disallowed and that debtor's Objection to Claim of **CAPITAL ONE, NA, claim number 16** be sustained.

DATED this the **20th** day of **June**, **2012**.

Respectfully submitted,

Bailey & Galyen

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ATTORNEY FOR DEBTOR

By /s/James K. Ince
James K. Ince
Bar #10388920

Email: jince@galyen.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Objection To Claim of **CAPITAL ONE, NA** has been sent via United States' regular mail, postage prepaid, or by electronic transfer to:

Alice Whitten
Chapter 13 Trustee
6100 Western Place Dr., #1050
Fort Worth, TX 76107

CAPITAL ONE, NA
Po Box 26625
Richmond, VA 23261

Capital One, NA
c/o Bass & Associates, P.C.
3936 E. Ft. Lowell Road, Suite #200
Tucson, AZ 85712

By /s/ James K. Ince
James K. Ince